

**COMBINED DECLARATION AND POWER OF ATTORNEY
FOR UTILITY PATENT APPLICATION**

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD AND APPARATUS FOR REGIONAL AND WHOLE BODY
TEMPERATURE MODIFICATION**

the specification of which

_____ is attached hereto.

 X was filed on August 24, 1998 as Application No. 09/138.830
and was amended on _____.
(If Applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a) which states in relevant part: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section....The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98."

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate as indicated below and have also identified below any foreign application for patent or inventor's certificate on this invention having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

(Number) (Country) (Day/Month/Year Filed) Yes _____ No

(Number) (Country) (Day/Month/Year Filed) Yes _____ No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), and under §119(e) of any United States provisional application(s), listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulation, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/584,013</u> (Application Serial No.)	<u>1/11/96</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)
<u>08/769,931</u> (Application Serial No.)	<u>12/19/96</u> (Filing Date)	<u>Pending</u> (Patented, Pending, Abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to file, prosecute and to transact all business in connection with international applications directed to said invention:

Paul Davis	29,294
Mark A. Haynes	30,846
John J. Bruckner	35,816
Charles C. Cary	36,764
Michael J. Murphy	37,404
David J. Weitz	38,362
Kent R. Richardson	39,443
David J. Abraham	39,554
U.P. Peter Eng	39,666
Henry Groth	39,696
George A. Willman	41,378
Steven J. Benerofe	P41,613
Jinntung Su	P42,174
Travis L. Dodd	P42,491

Address all correspondence to:

U.P. Peter Eng
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, CA 94304

Direct all telephone calls to U.P. Peter Eng at (415) 493-9300.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Title 18, United States Code, §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first inventor:

Robert Ginsburg - (Incapacitated - completed on added page)

Inventor's signature:

Robert Ginsburg (by Rolone S Ginsburg)

Date:

Nov 5, 1998

Citizenship:

U.S.

Residence:

5100 S. Steele Street, Greenwood Village, Colorado 80121

Post Office Address:

Same as above.

Full name of sole or
second inventor:

Timothy R. Machold

Inventor's signature:

Timothy R. Machold

Date:

Nov. 9, 1998

Citizenship:

U.S.

Residence:

65 Bernal Avenue, Moss Beach, CA 94038

Post Office Address:

Same as above.

Full name of sole or

third inventor:

Michael T. Dineen

Inventor's signature:



Date:

November 9, 1998

Citizenship:

U.S.

Residence:

190 Webster Street, Palo Alto, CA 94301

Post Office Address:

Same as above.

Practitioner's Docket No. 19766-704

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF
ATTORNEY FOR SIGNATURE BY ADMINISTRATOR(TRIX), EXECUTOR(TRIX)
OR LEGAL REPRESENTATIVE ON BEHALF OF DECEASED OR
INCAPACITATED INVENTOR (37 CFR 1.42 AND 1.43)**

I, Arlene S. Ginsburg,

(type or print name(s) of administrator(trix), executor(trix), legal representative or all heirs)

hereby declare that I am a citizen of United States,

residing at 5100 S. Steel Street,

Greenwood Village, Colorado 80121

and that I am executing and signing the declaration to which this is attached as

(check one):

- ☒ the administrator(trix) of
☐ executor(trix) of the last will and testament of
☐ legal representative (or heirs) of
Robert Ginsburg

Full name of (first, second etc.) deceased or incapacitated inventor
United States

Country of citizenship of deceased or incapacitated inventor
5100 S. Steel Street, Greenwood Village, Colorado 80121

Residence of deceased or incapacitated inventor
Same

Post Office Address of deceased or incapacitated inventor

NOTE: The name of the first, second etc. deceased or incapacitated inventor should preferably also be filled in at the appropriate prior space of the declaration adding the words "deceased-completed on added page" or "incapacitated-completed on added page."

That, upon information and belief, I aver those facts that the inventor is required to state.

Date: 11/5/98

(Arlene Stein Ginsburg)

signature of administrator(trix), executor(trix), legal representative
(or all heirs)

NOTE: Proof of authority of the administrator(trix), executor(trix) or legal representative must be recorded in the PTO or filed in the application before the grant of the patent. 37 CFR 1.44.

(Added Page to Combined Declaration and Power of Attorney for Signing by Administrator(trix), Executor(trix) or Legal Representative on Behalf of Deceased or Incapacitated Inventor (37 CFR 1.42 and 1.43)—page 1 of 1)

Assistant Commissioner for Patents
Washington, D.C. 20231

The following attorney(s) and/or agent(s) are hereby appointed to conduct all further prosecution of the above-identified patent application and to transact all business in the Patent and Trademark Office connected therewith on behalf of Radiant Medical, Inc.; Frank J. Uxa, Reg. No. 25,612; Robert D. Buyan, Reg. No. 32,460; Donald E. Stout, Reg. No. 34,493; Kenton R. Mullins, Reg. No. 36,331; D. Jennings Meincke, Reg. No. 36,606; Philip H. Haymond, Reg. No. 38,177 and Guy L. Cumberbatch, Reg. No. 36,114, all of the firm of Stout, Uxa, Buyan & Mullins, LLP.

Please direct all future correspondence and telephone calls to: Robert D. Buyan, Stout, Uxa, Buyan & Mullins, LLP, 4 Venture, Suite 300, Irvine, CA 92618, Telephone: (949)450-1750, Facsimile: (949)450-1794, E-Mail: rbuyan@patlawyers.com

Radiant Medical, Inc., Assignee of Entire Interest:

Signature:



Paul M. Stull
Corporate Counsel and
Assistant Secretary of Radiant Medical, Inc.

Date:

